

OCT 12 2017



U.S. Customs and
Border Protection

RR: CTF: CPM
H289874 MG

Mr. Joseph M. Spraragen, Esq.
599 Lexington Avenue, 36th Floor
New York, NY 10022

RE: Headquarters File H289874; FOIA request on information relating to
Headquarters Ruling Letters HQ 958076, dated October 19, 1995, and HQ
959572, dated June 18, 1997; FOIA Tracking Number CBP-OT-2017-075333

Dear Mr. Spraragen:

This letter is in response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), dated July 25, 2017. You requested a copy of all documents related to Headquarters Ruling Letters (HQ) 958076, dated October 19, 1995, and HQ 959572, dated June 18, 1997, including, but not limited to:

1. Any files, notes, memorandums, communications, or other documentation, paper and electronic, leading to the issuance of Customs Headquarters rulings HQ 958076 (Oct. 19, 1995) and HQ 959572 (June 18, 1997); and
2. Any files, notes, memorandums, internal or external communications, or other documentation, paper and electronic records appearing in Customs Headquarters' files related to Headquarters Ruling No. 958076 that was created or modified on or after October 19, 1995; and
3. Any files, notes, memorandums, internal or external communications, or other documentation, paper and electronic records appearing in Customs Headquarters' files related to Headquarters Ruling No. 959572 that was created or modified on or after June 18, 1997.

During our search, we have examined and identified 78 pages of non-duplicative material responsive to your request regarding HQ 958076 and 98 pages of non-duplicative material responsive to your request regarding HQ 959572.

Review of the identified documents in HQ 958076 revealed that 10 pages are partially exempt and 55 pages are exempt in full from disclosure under exemptions (b)(2), (b)(4), (b)(5), (b)(6), and (b)(7)(C) of the FOIA (5 U.S.C. §§ 552 (b)(2), (b)(4),

(b)(5), (b)(6), and (b)(7)(C)), and are, therefore, redacted from the records disclosed. A redacted copy of the responsive documents is enclosed.

Review of the identified documents in HQ 959572 revealed that 13 pages are partially exempt and 29 pages are exempt in full from disclosure under exemptions (b)(2), (b)(4), (b)(5), (b)(6), and (b)(7)(C) of the FOIA (5 U.S.C. §§ 552 (b)(2), (b)(4), (b)(5), (b)(6), and (b)(7)(C)), and are, therefore, redacted from the records disclosed. A redacted copy of the responsive documents is enclosed.

Information redacted pursuant to 5 U.S.C. § 552 (b)(2), which protects from disclosure records that are related solely to the internal personnel rules and practices of an agency; Exemption (b)(4), which protects from disclosure trade secrets or privileged or confidential commercial or financial information; Exemption (b)(5), which protects from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;" Exemption (b)(6), which protects from disclosure "personnel and medical files and similar files" the release of which could constitute an unwarranted invasion of personal privacy; and Exemption (b)(7)(C), which protects from disclosure information compiled in a law enforcement context if its disclosure could constitute an unwarranted invasion of personal privacy. We have clearly labeled each redaction indicating the exemption that applies to the language being redacted.

You may file an appeal with the FOIA Appeals Officer, Office of Regulations and Rulings within 35 days after the date of this letter. Please mail your appeal to Bureau of Customs and Border Protection, Freedom of Information Act Appeal, Office of Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you should have any additional questions about your request, please direct your inquiries to this office at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "Allyson Mattanah", written over a horizontal line.

Allyson Mattanah, Chief,
Chemicals, Petroleum, Metals and
Miscellaneous Classification Branch

Enclosure – 176 pages